

J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
[cchoons@righthaven.com](mailto:cchoons@righthaven.com)  
*Assistant General Counsel at Righthaven*  
JOSEPH C. CHU, ESQ.  
Nevada Bar No. 11082  
[jchu@righthaven.com](mailto:jchu@righthaven.com)  
*Staff Attorney at Righthaven*  
Righthaven LLC  
9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
(702) 527-5900  
*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-  
liability company,

Plaintiff,

v.

AMERICANS AGAINST FOOD TAXES, a  
not-for-profit District of Columbia  
corporation; GODDARD CLAUSEN PUBLIC  
AFFAIRS, INC., a Delaware corporation; and  
BEN GODDARD, an individual,

Defendants.

Case No.: 2:10-cv-01496

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Americans Against Food Taxes (“Americans Against Food Taxes”), Goddard Clausen Public Affairs, Inc. (“Goddard Clausen”) and Ben Goddard (“Mr. Goddard”; collectively with Americans Against Food Taxes known herein as the “Defendants”), on information and belief:

**NATURE OF ACTION**

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

**PARTIES**

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Americans Against Food Taxes is, and has been at all times relevant to this lawsuit, a not-for-profit District of Columbia corporation.

5. Goddard Claussen is, and has been at all times relevant to this lawsuit, a Delaware corporation.

6. Goddard Claussen is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact and technical contact for the Internet domain found at <nofoodtaxes.com> (the “Domain”; the content accessible through the Domain and the Domain itself known herein as the “Website”).

7. Mr. Goddard is, and has been at all times relevant to this lawsuit, identified as the founder of Goddard Claussen by the “About Us” portion of the Website, attached hereto as Exhibit 1.

8. Americans Against Food Taxes is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted on the Website, as evidenced by a copyright notice displayed on the Website, attached hereto as Exhibit 2.

**JURISDICTION**

9. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

10. Righthaven is the owner of the copyright in the literary work entitled: “The soda pop tax” (the “Work”), attached hereto as Exhibit 3.

11. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

12. The Defendants willfully copied, on an unauthorized basis, the Work from a source emanating from Nevada.

13. On or about February 15, 2010, the Defendants displayed, and continue to display, an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 4, on the Website.

14. At all times relevant to this lawsuit, the Infringement has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

15. At all times relevant to this lawsuit, the Defendants knew that the Work was originally published in the Las Vegas *Review-Journal*.

16. At all times relevant to this lawsuit, the Defendants knew that the Infringement was and is of specific interest to Nevada residents.

17. The Defendants' display of the Infringement was and is purposefully directed at Nevada residents.

## VENUE

18. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to the claim for relief are situated in Nevada.

19. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(c), because Americans Against Food Taxes is subject to personal jurisdiction in Nevada.

20. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(c), because Goddard Claussen is subject to personal jurisdiction in Nevada.

21. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1400(a), because the Defendants are subject to personal jurisdiction in Nevada.

**FACTS**

22. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

23. Righthaven is the owner of the copyright in and to the Work.

24. The Work was originally published on February 15, 2010.

25. On May 12, 2010, the United State Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration of the Work including the application, the deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-398749392, attached hereto as Exhibit 5.

26. On or about February 15, 2010, the Defendants displayed, and continue to display, the Infringement on the Website.

27. The Defendants did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

28. The Defendants were not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

**CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

29. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 28 above.

30. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

31. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

32. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

33. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).



1 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works  
2 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,  
3 directing, participating in, or assisting in any such activity;

4 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies  
5 or electronic copies:

6 a. All evidence and documentation relating in any way to the Defendants'  
7 use of the Work, in any form, including, without limitation, all such evidence and  
8 documentation relating to the Website;

9 b. All evidence and documentation relating to the names and addresses  
10 (whether electronic mail addresses or otherwise) of any person with whom the  
11 Defendants have communicated regarding the Defendants' use of the Work; and

12 c. All financial evidence and documentation relating to the Defendants' use  
13 of the Work;

14 3. Direct GoDaddy and any successor domain name registrar for the Domain to lock  
15 the Domain and transfer control of the Domain to Righthaven;

16 4. Award Righthaven statutory damages for the willful infringement of the Work,  
17 pursuant to 17 U.S.C. § 504(c);

18 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by  
19 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

20 6. Award Righthaven pre- and post-judgment interest in accordance with applicable  
21 law; and

22 7. Grant Righthaven such other relief as this Court deems appropriate.  
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**DEMAND FOR JURY TRIAL**

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this 1<sup>st</sup> day of September 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
JOSEPH C. CHU, ESQ.  
Nevada Bar No. 11082  
9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
Attorneys for Plaintiff